



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,617	06/29/2000	Gregory W. Bruening	USW#-1750	7650

20350 7590 06/03/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
----------	--------------

2642

19

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/606,617

Applicant(s)

BRUENING, GREGORY W.

Examiner

Bing Q Bui

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. New claims 52 -61 have been added, thus claims 1-61 are pending in the application for examination.

Claim Rejections - 35 USC § 103

2. Claims 1-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath et al (US Pat 6,144,644) in view of Bull et al (US Pat No. 6,498,841), herein after referred as Bajzath and Bull.

Regarding claim 1, referring to Fig. 2, Bajzath teaches the invention substantially as claimed, a method for identifying a caller comprising the steps of:

a) receiving, in an AIN (e.g., AIN "210"), a call from a "new caller" to a subscriber line having a "PC 130" connected to a computer network that includes "ISP 115" and "Internet 120" (see Figs 2 and col. 5, Ins 40-54 and col. 6, Ins 7-17);

b) determining that the subscriber line is connected to the computer network (Figs 2 and col. 5, Ins 40-54 and col. 6, Ins 7-17).

Bajzath differs from claimed invention in which it does not teach the step of:

c) in response to said step b), prompting the caller to provide identification;

d) receiving an audible identification from the caller; and

e) providing the caller audible identification to the subscriber.

However, Bull teaches the steps of:

Art Unit: 2642

c) in response to said step b), prompting the caller to provide identification (see Abstract; Figs 1, 3 and 5; and col. 3, Ins 38-61);

d) receiving an audible identification from the caller (see Abstract; Figs 1, 3 and 5; and col. 3, Ins 38-61);and

e) providing the caller audible identification via the computer network (i.e., computer network "102" of Fig. 1) and subscriber line to the device (i.e., "CALLED COMMUNICATION STATION") (see Abstract; Figs 1, 3 and 5; and col. 3, Ins 38-61).

Therefore, in the knowledge generally available to one of ordinary skill in the art. it would have been obvious to include the method of collecting the audible caller identification and providing this audible identification to a subscriber, as taught by Bull, to Bajzath's invention in order to friendly provide useful information about the call that enables the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session.

Regarding claims 2-3, 30-31 and 45-46, Bajzath teaches the invention substantially as claimed, with the exception of providing the step of recording the caller audible identification and sending the recorded audible identification to the device.

However, Bull teaches the steps of collecting the caller audible identification and sending the collected audible identification to the recipient subscriber (see Abstract; Figs 1, 3 and 5; and col. 6, In 53-col. 7, In 12).

Therefore, in the knowledge generally available to one of ordinary skill in the art. it would have been obvious to include the method of collecting the audible caller identification and providing this audible identification to a subscriber, as taught by Bull,

Art Unit: 2642

to Bajzath's invention in order to friendly provide useful information about the call that enables the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session.

Regarding claims 4-5, Bajzath teaches the invention substantially as claimed, with the exception of providing the step of:

f) before said step c), determining whether calling party information is present in response to said step b);

g) determining that the calling party information is not present; and

h) performing said step c) in response to said step g).

l) detecting a trigger at the subscriber line in said step a);

j) performing said step f) in response to said step l).

However, Bull teaches the steps of:

f) before said step c), determining whether calling party information is present in response to said step b) (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12).

g) determining that the calling party information is not present (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12); and

h) performing said step c) in response to said step g) (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12).

l) detecting a trigger at the subscriber line in said step a) (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12);

j) performing said step f) in response to said step l) (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12).

Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the method of determination of the presence of caller information before prompting the caller for information, as taught by Bull, to Bajzath's invention to save call processing time.

Regarding claim 6, Bajzath teaches the invention substantially as claimed, the method further including the step of directing the call to a voice mail (an intelligent peripheral) based upon said step g) (see col. 5, ln 55 – col. 6, ln 6).

Regarding claim 7, Bajzath teaches the invention substantially as claimed, the method further including the step of prompting (displaying) a plurality of disposition options for the call via the subscriber line (see col. 6, lns 33 – 53).

As to claims 8, 12-15, 17-18, 22, 33-34 and 56-61, they are rejected for the same reasons set forth to rejecting claims 1-3 above, since claims 8, 12-15, 17-18, 22, 33-34 and 56-61 are merely a system for implementing the method defined in the method claims 1-3.

As to claim 9, it is rejected for the same reasons set forth to rejecting claim 2 above, since claim 9 is merely a system for implementing the method defined in the method claim 2.

Regarding claims 10, 16, 23 and 42-43, Bajzath teaches the invention substantially as claimed, with the exception of providing the step of sending the audible identification to the subscriber.

However, Bull teaches the steps of providing the caller audible identification to the subscriber (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57)

Therefore, in the knowledge generally available to one of ordinary skill in the art, it would have been obvious to include the method of collecting the audible caller identification and providing this audible identification to a subscriber, as taught by Bull, to Bajzath's invention in order to friendly provide useful information about the call that enables the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session.

As to claim 11, it is rejected for the same reasons set forth to rejecting claim 6 above, since claim 11 is merely a system for implementing the method defined in the method claim 6.

As to claims 19-21, 24, 28-29, 32, 37-39, 44 and 47-48, they are rejected for the same reasons set forth to rejecting claim 1.

Regarding claim 25, Bajzath teaches the invention substantially as claimed, wherein the computer network is the Internet (see Figs 1-2).

Regarding claim 26, Bajzath teaches the invention substantially as claimed, wherein the visual interface comprises an Internet web page (see col. 3, lns 33 - 49).

Regarding claim 27, Bajzath teaches the invention substantially as claimed, wherein the visual interface comprises a pop-up screen (see col. 3, lns 33 - 49).

As to claim 35, it is rejected for the same reasons set forth to rejecting claim 26 above, since claim 35 is merely a system for implementing the method defined in the method claim 26.

Art Unit: 2642

As to claim 36, it is rejected for the same reasons set forth to rejecting claim 27 above, since claim 36 is merely a system for implementing the method defined in the method claim 27.

As to claims 40-41, they are rejected for the same reasons set forth to rejecting claims 2-3 above, since claims 40-41 are merely a system for implementing the method defined in the method claims 2-3.

Regarding claims 49-51, Bajzath's teachings are shown in Fig 1 or 2, elements "105" or "205".

As to claim 52, it is rejected for the same reasons set forth to rejecting claim 1.

As to claims 53-55, they are rejected for the same reasons set forth to rejecting claim 1 above, since claims 53-55 are merely a system for implementing the method defined in the method claims 1.

Response to Arguments

3. Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

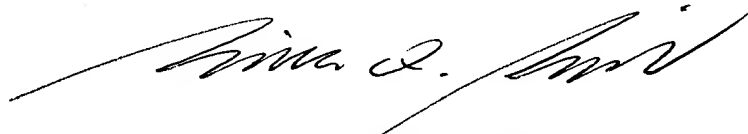
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number

Art Unit: 2642

for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Paper Number : 19

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

BING Q. BUI

Primary Examiner